

Inasmuch as no objection is pending at this time, the stay is lifted.

JUN 16 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: AREDIA AND ZOMETA PRODUCTS
LIABILITY LITIGATION**

Carol J. Strong v. Novartis Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 1:08-4100 J.F.K.)

JUN 19 2008
S.D. OF N.Y.
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 29 2008

FILED
CLERK'S OFFICE #16

MDTN No.
3:08-cv-0614
MDL No. 1760

**CONDITIONAL TRANSFER ORDER (CTO-70)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On April 18, 2006, the Panel transferred 27 civil actions to the United States District Court for the Middle District of Tennessee for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 429 F.Supp.2d 1371 (J.P.M.L. 2006). Since that time, 345 additional actions have been transferred to the Middle District of Tennessee. With the consent of that court, all such actions have been assigned to the Honorable Todd J. Campbell.

It appears that the action on this conditional transfer order involves three sets of claims relating to: (1) the prescription drug Fosamax; (2) the prescription drugs Aredia and/or Zometa; and (3) the prescription drug Actonel. This action is already included in MDL No. 1789 previously centralized in the Southern District of New York before the Honorable John F. Keenan. The Aredia and/or Zometa claims, however, appear to share questions of fact with actions in MDL No. 1760 previously centralized in the Middle District of Tennessee. The Actonel claims do not appear to share questions of fact common to previously transferred actions in either MDL No. 1760 or MDL No. 1789.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Middle District of Tennessee for the reasons stated in the order of April 18, 2006, and, with the consent of that court, assigned to the Honorable Todd J. Campbell.

The claims in this action relating to Fosamax are hereby separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Southern District of New York for continued inclusion in the centralized pretrial proceedings in MDL No. 1789.

A CERTIFIED TRUE COPY

The claims in this action relating to Actonel are separated and simultaneously remanded to the Southern District of New York.

JUN 16 2008

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

ATTEST AND CERTIFY
A TRUE COPY

Sherman

U.S. District Court

Middle District of Tennessee

By: *Sherman*

Deputy Clerk

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Tennessee. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffrey N. Luttrell
Clerk of the Panel